

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION**

**JAN HUGHES**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 2:08cv79-KS-MTP**

**BOSTON SCIENTIFIC CORPORATION**

**DEFENDANT**

**ORDER**

THIS MATTER is before court on the Plaintiff's Motion [64] to Compel Discovery. Having considered the submissions of the parties and the applicable law, the court finds that Plaintiff's Motion [64] should be granted in part and denied in part.

In her Motion [64], Plaintiff seeks 1) the production of all "complaint files" for the Boston Scientific Hydro ThermAblator ("HTA"), and 2) an order compelling Boston Scientific to test the HTA that caused Plaintiff's injury. In Response [72], Defendant claims the second request is now moot because it has agreed to test the HTA and is currently working out the details to do so.

As for the first request, Defendant claims it has produced all of the "burn-related" Complaint Detail Reports, and that the non-burn reports are irrelevant to this matter. The court agrees that the entire complaint file may not be relevant to this action, but finds compelling Plaintiff's argument that incidents where the HTA leaked fluid are relevant to her claims and/or defenses, regardless of whether such incidents resulted in burns. *See Hickman v. Taylor*, 329 U.S. 495, 507 (1947) (holding that the rules of discovery "are to be accorded a broad and liberal treatment"). Accordingly,

IT IS, THEREFORE, ORDERED:

1. That Plaintiff's Motion [64] is GRANTED in part and DENIED in part as set

forth below.

2. Defendant shall produce all Complaint Detail Reports regarding a leak of fluid from the HTA, regardless of whether such leak resulted in burns. Defendant shall produce these documents by June 19, 2009. The request for any other complaint reports is denied.
3. Plaintiff's request for an order compelling Defendant to test the HTA is denied as moot.

SO ORDERED this the 5th day of June, 2009.

s/ Michael T. Parker

United States Magistrate Judge